D.B. CIVIL HABEAS CORPUS WRIT PETITION NO.3404/2006
(Vijendra Kumar Vs. The State of Rajasthan & Ors.)

DATE OF ORDER : 28.08.2006

HON'BLE MR. JUSTICE N.N.MATHUR
HON'BLE MR. JUSTICE R.P.VYAS

Mr. Pradeep Shah for the petitioner.
Mr. S.K.Vyas, Government Advocate.
Mr. Sachin Acharya for the respondent No.4.

By way of instant Habeas Corpus petition, the petitioner – Vijendra Kumar seeks direction for the production of Mst. Mandeep Kaur. It is alleged that Mst. Mandeep Kaur, her mother Harjender Kaur and brother Kulvinder Singh are in the custody of respondent No.4 namely Amarjeet Singh. It is averred that the respondent No.4 has filed a false and fabricated compliant in the court of Additional Civil Judge (Junior Division) & Judicial Magistrate, First Class No.2, Sri Ganganagar. The complaint has been sent to the police for investigation under Section 156(3) Cr.P.C. A case has been registered for offence under Sections 366, 376-G, 384, 323, 467 and 468 IPC against petitioner Vijendra Kumar. During the investigation, Mst. Mandeep Kaur was produced before the court of Additional Civil Judge (Junior Division) & Judicial Magistrate, First Class No.1, Sri Ganganagar. The learned Magistrate has recorded her statement under Section 164 Cr.P.C on 28.06.2006. In the said statement, she has stated that she wants to stay with the petitioner on her own will. She has also alleged that respondent

No.4 Amarjeet Singh has fabricated the entire case. He is also terrorrising her mother Harjender Kaur and brother Kulvinder Singh. It is also averred in the petition that Kulvinder Singh's wife Smt. Rupendra Kaur has also filed a compliant against Mst. Mandeep Kaur, Smt. Harjender Kaur and Kulvinder Singh for offence under Sections 406, 498-A IPC.

Considering the facts and circumstances and for a fair investigation in the matter, this Court by order dated 19.07.2006 directed to transfer the FIR Case No.95/2006, Police Station Chunawad, District Sri Ganganagar to the Additional S.P., C.I.D. (C.B.) Bikaner. The respondent No.4 Amarjeet Singh was directed to produce Mst. Mandeep Kaur, Smt. Harjender Kaur and Kulvinder Singh.

On 25.07.2006, respondent No.4 Amarjeet Singh produced Mst. Mandeep Kaur her mother Smt. Harjender Kaur and brother Kulvinder Singh. Mst. Mandeep Kaur's statement was recorded by this Court. In view of her statement, the Additional Director General, CID (Vigilance), Jaipur was directed to hold an enquiry in to the matter. Pursuant to the directions of this Court, the Additional S.P., C.I.D. (C.B.), Bikaner as well as the Additional Director General, C.I.D. (Vigilance), Jaipur have submitted the reports. Both the reports are taken on record. It appears that

petitioner – Vijendra Kumar as well as respondent No.4 Amarjeet Singh are acting for their own interest. Both of them have no interest in Mst. Mandeep Kaur, her mother Harjender Kaur and brother Kulvinder Singh. The root cause appears to be the land of the deceased father of Mst. Mandeep Kaur. We need not go into the details of the same in the instant Habeas Corpus petition. Suffice it to say that Mst. Mandeep Kaur has declined to go with petitioner – Vijendra Kumar. She stated that she will stay on her own. However, she wants police protection. The Additional S.P., C.I.D. (C.B.), Bikaner is directed to arrange an independent police protection. The request of Additional S.P., C.I.D. (C.B.), Bikaner in this respect shall be honoured by the authority requested.

Accordingly, the Habeas Corpus Petition stands dismissed.

(R.P.VYAS),J. **(N.N.MATHUR),J.**

ms rathore